

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DONOVAN HOWARD,

Plaintiff,

-against-

05 Civ. 7488 (LAK)

MUNICIPAL CREDIT UNION, et al.,

Defendants.
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ORDER

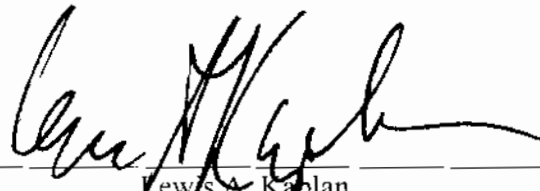
LEWIS A. KAPLAN, *District Judge*.

In this action, *pro se* plaintiff Donovan Howard ("Plaintiff") asserts that the Municipal Credit Union, William Birnbach, Richard Casamassa, W. Porter and T. Siciliano (collectively, "Defendants") violated his rights under the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. §§ 1681*et seq.*, and various state laws. Currently before the Court is the report and recommendation of Magistrate Judge Debra Freeman with respect to defendants' motion to dismiss the Amended Complaint pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure or, alternatively, Rules 8(a) and 10 (the "R&R").

For the reasons set forth in the R&R, to which no objections have been filed, the motion is granted to the extent that plaintiff's claims under the FCRA are dismissed with prejudice on the ground that they fail to state a claim upon which relief may be granted and otherwise denied. Plaintiff, however, is granted leave to file an amended complaint, on or before April 5, 2008, solely for the purpose of attempting to state a claim under 15 U.S.C. § 1681s-2(b) and reasserting, if he is so advised, his state law claims. If no amended complaint is filed on or before April 5, 2008, the Clerk shall enter final judgment dismissing the action, the federal claims being dismissed with prejudice and the state law claims being dismissed for lack of subject matter jurisdiction.

SO ORDERED.

Dated: March 25, 2008



Lewis A. Kaplan
United States District Judge